

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 262 be amended to read as follows:

1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:

3       "SECTION 1. IC 20-12-0.5-8, AS AMENDED BY P.L.24-2003,  
4       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5       JULY 1, 2004]: Sec. 8. The commission shall have the following  
6       powers and duties:

7               (1) To develop, continually keep current, and implement a long  
8               range plan for postsecondary education. In developing this plan,  
9               the commission shall take into account the plans and interests of  
10              the state private institutions, anticipated enrollments in state  
11              postsecondary institutions, financial needs of students and other  
12              factors pertinent to the quality of educational opportunity available  
13              to the citizens of Indiana. The plan shall define the educational  
14              missions and the projected enrollments of the various state  
15              educational institutions.

16             (2) To consult with and make recommendations to the  
17             commission on vocational and technical education within the  
18             department of workforce development on all postsecondary  
19             vocational education programs. The commission shall biennially  
20             prepare a plan for implementing postsecondary vocational  
21             education programming after considering the long range state plan  
22             developed under IC 20-1-18.3-10. The commission shall submit  
23             this plan to the commission on vocational and technical education  
24             within the department of workforce development for its review  
25             and recommendations, and shall specifically report on how the  
26             plan addresses preparation for employment.

27             (3) To make recommendations to the general assembly and the  
28             governor concerning the long range plan, and prepare to submit  
29             drafts and proposed legislation needed to implement the plan. The  
30             commission may also make recommendations to the general

1 assembly concerning the plan for postsecondary vocational  
2 education under subdivision (2).

3 (4) To review the legislative request budgets of all state  
4 educational institutions preceding each session of the general  
5 assembly and to make recommendations concerning  
6 appropriations and bonding authorizations to state educational  
7 institutions including public funds for financial aid to students by  
8 any state agency. The commission may review all programs of  
9 any state educational institution, regardless of the source of  
10 funding, and may make recommendations to the governing board  
11 of the institution, the governor, and the general assembly  
12 concerning the funding and the disposition of the programs. In  
13 making this review, the commission may request and shall receive,  
14 in such form as may reasonably be required, from all state  
15 educational institutions, complete information concerning all  
16 receipts and all expenditures.

17 (5) To submit to the commission on vocational and technical  
18 education within the department of workforce development for its  
19 review under IC 20-1-18.3-15 the legislative budget requests  
20 prepared by state educational institutions for state and federal  
21 funds for vocational education. These budget requests shall be  
22 prepared upon request of the budget director, shall cover the  
23 period determined by the budget director, and shall be made  
24 available to the commission within the department of workforce  
25 development before review by the budget committee.

26 (6) To make, or cause to be made, studies of the needs for  
27 various types of postsecondary education and to make  
28 recommendations to the general assembly and the governor  
29 concerning the organization of these programs. The commission  
30 shall make or cause to be made studies of the needs for various  
31 types of postsecondary vocational education and shall submit to  
32 the commission on vocational and technical education within the  
33 department of workforce development its findings in this regard.

34 (7) To approve or disapprove the establishment of any new  
35 branches, regional or other campuses, or extension centers or of  
36 any new college or school, or the offering on any campus of any  
37 additional associate, baccalaureate, or graduate degree, or of any  
38 additional program of two (2) semesters, or their equivalent in  
39 duration, leading to a certificate or other indication of  
40 accomplishment. After March 29, 1971, no state educational  
41 institution shall establish any new branch, regional campus, or  
42 extension center or any new or additional academic college, or  
43 school, or offer any new degree or certificate as defined in this  
44 subdivision without the approval of the commission or without  
45 specific authorization by the general assembly. Any state  
46 educational institution may enter into contractual agreements with  
47 governmental units or with business and industry for specific

1 programs to be wholly supported by the governmental unit or  
 2 business and industry without the approval of the commission.

3 (8) If so designated by the governor or the general assembly, to  
 4 serve as the agency for the purposes of receiving or administering  
 5 funds available for postsecondary education programs, projects,  
 6 and facilities for any of the acts of the United States Congress  
 7 where the acts of Congress require the state to designate such an  
 8 agency or commission. However, this subdivision does not  
 9 provide for the designation of the commission by the governor as  
 10 the recipient of funds which may be provided by acts of the  
 11 United States Congress, received by an agency, a board, or a  
 12 commission designated by the general assembly.

13 (9) To designate and employ an executive officer and necessary  
 14 employees, to designate their titles, and to fix the compensation in  
 15 terms of the employment.

16 (10) To appoint appropriate advisory committees composed of  
 17 representatives of state educational institutions, representatives of  
 18 private colleges and universities, students, faculty, and other  
 19 qualified persons.

20 (11) To employ all powers properly incident to or connected with  
 21 any of the foregoing purposes, powers, or duties, including the  
 22 power to adopt rules.

23 (12) To develop a definition for and report biennially to the:

24 (A) general assembly;

25 (B) governor; and

26 (C) commission on vocational and technical education within  
 27 the department of workforce development;

28 on attrition and persistence rates by students enrolled in state  
 29 vocational education.

30 (13) To submit a report to the legislative council not later than  
 31 August 30 of each year on the status of the transfer of courses  
 32 and programs between state educational institutions. The report  
 33 must include any changes made during the immediately preceding  
 34 academic year.

35 (14) To direct the activities of the committee, including the  
 36 activities set forth in subdivisions (15) and (16).

37 (15) To develop through the committee statewide transfer of  
 38 credit agreements for courses that are most frequently taken by  
 39 undergraduates.

40 (16) To develop through the committee statewide agreements  
 41 under which associate of arts and associate of science programs  
 42 articulate fully with related baccalaureate degree programs.

43 (17) To publicize by all appropriate means, including an Internet  
 44 web site, a master list of course transfer of credit agreements and  
 45 program articulation agreements.

46 **(18) For purposes of assisting state educational institutions**

1 in setting tuition rates and mandatory fees only, to perform  
2 the following functions:

3 (A) Annually determine the higher education cost of living  
4 index, using information developed by the Bureau of  
5 Labor Statistics of the United States Department of Labor.

6 (B) Determine when a student is considered to be a  
7 full-time student.

8 (C) Determine which fees are mandatory fees; however,  
9 mandatory fees may not include fees that:

10 (i) are recommended and supported by students for the  
11 funding of student activities and services; or

12 (ii) provide additional student benefits.".

13 Page 2, line 18, delete "(as defined by the commission for higher  
14 education)".

15 Page 2, line 20, delete "an" and insert "**a full-time**".

16 Page 2, line 20, after "student" insert "**who is a resident of**  
17 **Indiana**".

18 Page 2, line 21, delete "three percent (3%)" and insert "**a percentage**  
19 **equal to the higher education cost of living index**".

20 Page 2, line 23, delete "first enrolls." and insert "**officially accepts**  
21 **the university's offer of admission**".

22 Page 2, between lines 29 and 30, begin a new paragraph and insert:  
23 "**(c) The general assembly recommends that the board of**  
24 **trustees conduct at least one (1) public hearing before setting the**  
25 **tuition rates and mandatory fees for the university each year. If**  
26 **a public hearing is conducted, at least two (2) members of the**  
27 **board of trustees must be present at the hearing.**

28 (d) Notwithstanding subsection (b), not later than sixty (60)  
29 days after the enactment of the biennial budget bill for state  
30 educational institutions, the board of trustees may reset tuition  
31 rates and mandatory fees for incoming freshmen students.  
32 However, an individual who has been offered admission to the  
33 university and has officially notified the university of the  
34 individual's acceptance of the offer of admission before the board  
35 of trustees resets tuition rates and mandatory fees under this  
36 subsection shall be charged:

37 (1) the tuition rates and mandatory fees in effect at the time  
38 of the individual's acceptance of the university's offer, if the  
39 reset tuition rate and mandatory fees are higher than those  
40 in effect at the time of the individual's acceptance; or

41 (2) the reset tuition rate and mandatory fees, if the reset  
42 tuition rates and mandatory fees are lower than those in  
43 effect at the time of the individual's acceptance.".

44 Page 3, line 14, delete "(as defined by the commission for higher

1 education)".

2 Page 3, line 16, delete "an" and insert "**a full-time**".

3 Page 3, line 16, after "student" insert "**who is a resident of**  
4 **Indiana**".

5 Page 3, line 17, delete "three percent (3%)" and insert "**a percentage**  
6 **equal to the higher education cost of living index**".

7 Page 3, line 19, delete "first enrolls." and insert "**officially accepts**  
8 **the university's offer of admission**".

9 Page 3, between lines 25 and 26, begin a new paragraph and insert:  
10 "**(c) The general assembly recommends that the board of**  
11 **trustees conduct at least one (1) public hearing before setting the**  
12 **tuition rates and mandatory fees for the university each year. If**  
13 **a public hearing is conducted, at least two (2) members of the**  
14 **board of trustees must be present at the hearing.**

15 **(d) Notwithstanding subsection (b), not later than sixty (60)**  
16 **days after the enactment of the biennial budget bill for state**  
17 **educational institutions, the board of trustees may reset tuition**  
18 **rates and mandatory fees for incoming freshmen students.**  
19 **However, an individual who has been offered admission to the**  
20 **university and has officially notified the university of the**  
21 **individual's acceptance of the offer of admission before the board**  
22 **of trustees resets tuition rates and mandatory fees under this**  
23 **subsection shall be charged:**

24 **(1) the tuition rates and mandatory fees in effect at the time**  
25 **of the individual's acceptance of the university's offer, if the**  
26 **reset tuition rate and mandatory fees are higher than those**  
27 **in effect at the time of the individual's acceptance; or**  
28 **(2) the reset tuition rate and mandatory fees, if the reset**  
29 **tuition rates and mandatory fees are lower than those in**  
30 **effect at the time of the individual's acceptance.**

31 Page 4, line 1, delete "fees (as defined by the commission for" and  
32 insert "**fees**".

33 Page 4, line 2, delete "higher education)",

34 Page 4, line 3, delete "an" and insert "**a full-time**".

35 Page 4, line 3, after "student" insert "**who is a resident of Indiana**".

36 Page 4, line 4, delete "three percent (3%)" and insert "**a percentage**  
37 **equal to the higher education cost of living index**".

38 Page 4, line 6, delete "first enrolls." and insert "**officially accepts the**  
39 **university's offer of admission**".

40 Page 4, between lines 12 and 13, begin a new paragraph and insert:  
41 "**(e) The general assembly recommends that the board of**  
42 **trustees conduct at least one (1) public hearing before setting the**  
43 **tuition rates and mandatory fees for the university each year. If**  
44 **a public hearing is conducted, at least two (2) members of the**

board of trustees must be present at the hearing.

(f) Notwithstanding subsection (d), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the board of trustees resets tuition rates and mandatory fees under this subsection shall be charged:

(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or

(2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."

Page 4, line 40, delete "fees (as defined by the commission for" and insert "fees,".

Page 4, line 41, delete "higher education),".

Page 4, line 42, delete "an" and insert "a full-time".

Page 4, line 42, after "student" insert "who is a resident of Indiana".

Page 5, line 1, delete "three percent (3%)" and insert "a percentage equal to the higher education cost of living index".

Page 5, line 3, delete "first enrolls." and insert "officially accepts the university's offer of admission.".

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"(d) The general assembly recommends that the board of trustees conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the board of trustees must be present at the hearing.

(e) Notwithstanding subsection (c), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the board of trustees resets tuition rates and mandatory fees under this subsection shall be charged:

(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the

1        **reset tuition rate and mandatory fees are higher than those**  
 2        **in effect at the time of the individual's acceptance; or**  
 3        **(2) the reset tuition rate and mandatory fees, if the reset**  
 4        **tuition rates and mandatory fees are lower than those in**  
 5        **effect at the time of the individual's acceptance."**

6        Page 6, line 15, delete "fees (as defined by the commission for" and  
 7        insert "**fees,**".

8        Page 6, line 16, delete "higher education)",

9        Page 6, line 17, after "a" insert "**full-time**".

10       Page 6, line 17, after "student" insert "**who is a resident of**  
 11       **Indiana**".

12       Page 6, line 18, delete "three percent (3%)" and insert "**a percentage**  
 13       **equal to the higher education cost of living index**".

14       Page 6, line 20, delete "first enrolls." and insert "**officially accepts**  
 15       **the college's offer of admission**".

16       Page 6, between lines 25 and 26, begin a new paragraph and insert:  
 17       "**(f) The general assembly recommends that the state board**  
 18       **conduct at least one (1) public hearing before setting the tuition**  
 19       **rates and mandatory fees for the college each year. If a public**  
 20       **hearing is conducted, at least two (2) members of the state board**  
 21       **must be present at the hearing.**

22       **(g) Notwithstanding subsection (e), not later than sixty (60)**  
 23       **days after the enactment of the biennial budget bill for state**  
 24       **educational institutions, the state board may reset tuition rates**  
 25       **and mandatory fees for incoming freshmen students. However, an**  
 26       **individual who has been offered admission to the college and has**  
 27       **officially notified the college of the individual's acceptance of the**  
 28       **offer of admission before the state board resets tuition rates and**  
 29       **mandatory fees under this subsection shall be charged:**

30       **(1) the tuition rates and mandatory fees in effect at the time**  
 31       **of the individual's acceptance of the college's offer, if the**  
 32       **reset tuition rate and mandatory fees are higher than those**  
 33       **in effect at the time of the individual's acceptance; or**  
 34       **(2) the reset tuition rate and mandatory fees, if the reset**  
 35       **tuition rates and mandatory fees are lower than those in**  
 36       **effect at the time of the individual's acceptance."**

37       Page 7, line 18, delete "fees (as defined by the commission for" and  
 38       insert "**fees,**".

39       Page 7, line 19, delete "higher education)",

40       Page 7, line 20, delete "an" and insert "**a full-time**".

41       Page 7, line 20, after "student" insert "**who is a resident of**  
 42       **Indiana**".

43       Page 7, line 21, delete "three percent (3%)" and insert "**a percentage**  
 44       **equal to the higher education cost of living index**".

Page 7, line 23, delete "first enrolls." and insert **"officially accepts the university's offer of admission."**

Page 7, between lines 29 and 30, begin a new paragraph and insert:

**"(d) The general assembly recommends that the university conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the university's board must be present at the hearing.**

**(e) Notwithstanding subsection (c), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the university may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the university resets tuition rates and mandatory fees under this subsection shall be charged:**

**(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or**

**(2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."**

Page 8, line 10, delete "fees (as defined by the commission for" and insert **"fees,"**

Page 8, line 11, delete "higher education),".

Page 8, line 12, after "a" insert **"full-time"**.

Page 8, line 12, after "student" insert **"who is a resident of Indiana"**.

Page 8, line 13, delete "three percent (3%)" and insert **"a percentage equal to the higher education cost of living index"**.

Page 8, line 15, delete "first enrolls." and insert **"officially accepts the university's offer of admission."**

Page 8, after line 21, begin a new paragraph and insert:

**"(d) The general assembly recommends that the board of trustees conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the board of trustees must be present at the hearing.**

**(e) Notwithstanding subsection (c), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the**



1 university and has officially notified the university of the  
2 individual's acceptance of the offer of admission before the board  
3 of trustees resets tuition rates and mandatory fees under this  
4 subsection shall be charged:

5 (1) the tuition rates and mandatory fees in effect at the time  
6 of the individual's acceptance of the university's offer, if the  
7 reset tuition rate and mandatory fees are higher than those  
8 in effect at the time of the individual's acceptance; or

9 (2) the reset tuition rate and mandatory fees, if the reset  
10 tuition rates and mandatory fees are lower than those in  
11 effect at the time of the individual's acceptance.

12 SECTION 11. [EFFECTIVE JULY 1, 2004] (a) As used in this  
13 SECTION, "state educational institution" has the meaning set  
14 forth in IC 20-12-0.5-1.

15 (b) A state educational institution shall notify the state budget  
16 committee of the state educational institution's tuition rate and  
17 mandatory fees for the 2005-2006 academic year before December  
18 1, 2004.

19 (c) This SECTION expires December 31, 2004."

20 Renumber all SECTIONS consecutively.

(Reference is to SB 262 as printed January 16, 2004.)

---

Senator KENLEY